IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

Tr.P(C).No. 111 of 2007()

OS.28/2005 of MUNI-MAGI.COURT,PATTAMBI
.....

PETITIONER/2ND DEFENDANT

CYRIL MAR BASELIOUS, METROPOLITAN,
REPRESENTING MALABAR INDEPENDENT SYRIAN CHURCH,
THOZHIYOOR,(MALABAR SWATHANTHRA SURIYANI SABHA)

BY ADV. SRI.P.K.BEHANAN

RESPONDENTS: PLAINTIFFS/DEFENDANTS IN O.SNO.28/05
----

1. **VARUNNI, AGED 74 YEARS,**
   S/O KOLLANNOOR CHERU, KOLLANNOOR HOUSE,
   KAVUKODE AMSOM AND DESOM.

2. **RAJAN, S/O CHEERAN VARGHESE,**
   AGED ABOUT 43 YEARS, CHEERAN HOUSE,
   THOZHIYOOR, VAILATHOOR AMSOM AND DESOM,
   THOZHIYOOR P.O., TRICHUR DISTRICT.

3. **JOSEPH MAR KOORILOSE, AGED ABOUT 55**
   YEARS, RESIDING AT ST.GEORGE CATHEDRAL,
   THOZHIYOOR P.O., TRICHUR DISTRICT.

4. **FR.BABU VARGHESE, S/O PULIKKOTTIL**
   VAREETHU, AGED ABOUT 68 YEARS, PAZHANJI P.O.,
   PAZHANJI VILLAGE.

5. **V.M.DAVI, AGED ABOUT 41 YEARS,**
   S/O VADAKKAN MATHAPPAN,
   POOKKODE VILLAGE, THOZHIYOOR P.O.,
   TRICHUR DISTRICT.

6. **A.K.KUNJUKUNJAN, AGED ABOUT 68 YEARS,**
   S/O ENASSERY KURIAN, ENASSERY HOUSE,
   KANIPAYOOR P.O., (VIA) KUNNAMKULAM,
   TRICHUR DISTRICT.

R3 BY ADV. SRI.K.V.SOHAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 1166 OF 2007
IN
TR.P.C. NO.111 OF 2007

DISMISSED

27/9/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

Tr.P.C. NO. 111 OF 2007

= = = = = = = = = = = = = = =

Dated this the 27th day of September, 2007.

J U D G M E N T

This Transfer Petition is filed with a prayer to transfer O.S.28/05 pending before the Munsiff-Magistrate, Pattambi to the Principal Subordinate Court, Thrissur where O.S.673/05 is pending. The prayer in O.S.673/05 which is pending before the Subordinate Judge's Court, Thrissur is to declare that the first plaintiff namely Cyril Mar Baselious is the Metropolitan and supreme head of the Malabar Independent Syrian Church, Thozhiyoor. In that case the first defendant is Joseph Mar Koorilose. In the suit pending before the Munsiff-Magistrate Court, Pattambi, the declaration sought for is that the first defendant in O.S.673/05 who is the first defendant in the other case as well is the Metropolitan and supreme head. So the point in issue in both these cases are who is the Metropolitan and

supreme head of the Malabar Independent Syrian Church, Thozhiyoor. Therefore, it is desirable that both the matters are heard and decided by one Court. Since, one suit is pending before the Subordinate Judge, Thrissur it is only proper to transfer O.S.28/05 pending before Munsiff-Magistrate Court Pattambi to the Principal Sub Court, Thrissur for joint trial and disposal. The Munsiff-Magistrate, Pattambi is directed to send the records to the Principal Sub Judge, Thrissur.

2. A copy of the order may also be sent to the Munsiff-Magistrate Court, Pattambi as well as the to the Principal Sub Court, Thrissur.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-